

California Regional Water Quality Control Board  
Santa Ana Region

February 3, 2005

STAFF REPORT

ITEM: 5

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Jeffrey Keat, 6557 Mulberry Street, Etiwanda, San Bernardino County, APN 0228-011-22

DISCUSSION:

On December 17, 2004, Mr. Jeffrey Keat requested approval for the use of a second septic tank-subsurface disposal system at the above-referenced site. Mr. Keat resides in a house located at the site. An existing subsurface disposal system is utilized for the discharge of sanitary wastes from the house. The property is just over one-half acre in size (30,000-sq. ft. or 0.68 acre net). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of sanitary wastes.

Mr. Keat proposes to convert an attached garage into a bedroom with full bathroom (including toilet, sink and bathtub) on the front of this property. He has installed a new 500-gallon septic tank-subsurface disposal system to serve the proposed bedroom/bath addition.

On October 13, 1989, the Regional Board adopted a Basin Plan amendment that requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region. The property is over one-half acre and use of the existing subsurface disposal system meets the minimum lot size requirements. However, the proposed addition of a second subsurface disposal system does not conform to these requirements. Accordingly, Board staff denied Mr. Keat's request for approval for the use of the second septic tank. Mr. Keat seeks Regional Board consideration of this matter.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs address these circumstances. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs, provided that the existing septic system can accommodate the additional wastewater flows. The MLSRs also specify that replacement of an existing septic tank system to accommodate additional flows resulting from additions to existing dwellings is exempt from the minimum lot size requirement. However, the addition of a second septic tank to accommodate such additional flows is not exempt from the MLSRs. The minimum lot size exemption criteria are based on the premise that the proposed addition of a second septic system would be necessitated only by the proposed addition of a freestanding structure, rather than additions to existing dwellings. The Regional Board did not

exempt the addition of a second system based on concerns that use of the freestanding structure and the second septic system could result, over the long-term, in the addition of substantial wastewater flows beyond those resulting from additions to existing dwellings. Mr. Keat's addition will not result in a freestanding structure; however, he is proposing the installation of a second septic system. Mr. Keat points out that the additional flows that will occur as a result of the garage conversion/room addition will be no greater than those that would be allowed had the existing septic tank been replaced to accommodate them. In light of the circumstances of Mr. Keat's proposal, and in view of the fact that the second system has already been installed based on approval by City of Rancho Cucamonga, Building and Safety, Board staff believes that Mr. Keat's arguments have merit.

**RECOMMENDATION:**

Approve Mr. Keat's request for an exemption from the minimum lot size requirements for the use of a second septic system.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon  
City of Rancho Cucamonga, Building and Safety – John Thomas



# California Regional Water Quality Control Board

## Santa Ana Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

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Arnold Schwarzenegger  
Governor

January 19, 2005

Jeffrey Keat  
6557 Mulberry Street  
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APPEAL TO THE REGIONAL BOARD FOR AN EXEMPTION FROM THE MINIMUM LOT SIZE REQUIREMENT FOR THE USE OF AN ONSITE SEPTIC TANK-SUBSURFACE DISPOSAL SYSTEM AT 6557 MULBERRY STREET, ETIWANDA, SAN BERNARDINO COUNTY, APN 0228-011-22

Dear Mr. Keat:

This is in response to your request to appeal Regional Board staff's denial of an exemption from the minimum lot size requirement for subsurface disposal system use at the above-referenced site. Your appeal has been scheduled for consideration at the Board's February 3, 2005 meeting at the City Council Chambers of Santa Ana, 22 Civic Center Plaza, Santa Ana. The meeting is scheduled to begin at 9:00 a.m. A copy of the staff report that will be presented to the Board regarding this matter and the agenda announcement for the meeting are enclosed.

During the meeting, you will have an opportunity to present your case to the Board. If you have any questions about the proceedings, please contact Jun Martinez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,

for Joanne E. Schneider  
Environmental Program Manager

Enclosures: Staff Report and Agenda Announcement

cc w/enc: State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon  
San Bernardino County Environmental Health Services – Ray Britain  
City of Rancho Cucamonga, Building and Safety – John Thomas

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California Environmental Protection Agency



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